IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE
PRESENT

THE HON'BLE **MR BILAL NAZKI** THE ACTING CHIEF JUSTICE
AND
THE HON'BLE MR JUSTICE: **G. CHANDRAIAH**

WRIT APPEAL NO : 932 of 2005

(Writ Appeal filed under Clause 15 of the Letters Patent Rules against the Order dated: 06-04-2005 in WP NO : 7268 OF 2005 on the file of the High Court.)

Between:

The Vinayaka Agricultural and Industrial Exhibition – Society rep. by its President T. Manohar, S/o. Mallikarjuna Rao, R/o. H.No.7/3412, Srinivasa Nagar, Proddatur, Kadapa District.

..... Appellant

AND

1 The Tirupathi Municipality rep. by its Commissioner, Tirupthi, Chittoor District.
2 The Revenue Officer, Tirupathi Municipality, Tirupathi, Chittoor District.
3 S. Dasaratha Reddy, D.No. 1-4-816/256, Satyanagar Colony, New Maruthi Nagar, Kothapet, Hyderabad.

.....Respondents

The Appeal coming on for hearing upon perusing the appeal and grounds and upon hearing the arguments of Mr. P. Veera Reddy, Advocate for the Appellant and Mr. S.I.Newton**,** Standing Counsel for the Respondents 1 & 2, the court while recalling the order dated: 17-05-2005 allowing withdrawal of W.A. No. 932 if 2005 and restore it to its original file, observed that prima facie and convinced that the land had been allotted to Mr. S. Dasaratha Reddy arbitrarily without putting the interested parties on notice that the land was available for allotment for holding of an exhibition; learned counsel for Mr. T. Mahender was able to obtain the order from the Court, which passed and quoted herein above on the strength of his undertaking that the land had been allotted for two months to Mr. S. Dasaratha Reddy, and that his client was prepared to pay an amount of Rs. 4,00,000/- for the same period of use of the said land;

Whereas when the W.P. No. 7639 of 2005 came up for hearing yesterday, the Court enquired about this Writ Appeal and surprised

that the Writ Appeal had been withdrawn during summer vacation; all these facts were not brought to the notice of the bench before which the withdrawal application was placed during vacation;

Whereas the appellant herein, prima facie, has played fraud on this Court and the Court has a suspicion that some arrangement had been between Mr. T. Mahender and Mr. S. Dasaratha Reddy, after Mr. Manohar was able to get an order from the Court which was passed on 29-04-2005; in any case, it was a matter involving public interest and the application for withdrawal could not have been allowed;

And whereas the Court while recalling the order dated: 17-05-2005 allowing withdrawal of W.A. No. 932 of 2005 and restore it to its original file directed the Registry to issue show cause notice to Mr. T. Manohar, S/o. Mallikarjuna Rao, R/o. 7/3412, Srinivasa Nagar, Proddatur, Kadapa District as to why contempt proceedings be not initiated against him on the ground that he had undertaken before this Court that he would officer Rs. 4,00,000/- if the land was allotted to him for conducting exhibition;

Notice be issued in appropriate Form to Mr. T. Manohar and also the learned counsel who appeared for him in the Writ Appeal;

Therefore you viz:

1. Mr. T. Manohar, S/o. Mallikarjuna Rao, R/o. 7/3412, Srinivasa Nagar, Proddatur, Kadapa District

2. Mr. P. Veera Reddy, Advocate, High Court of A.P., Hyderabad.

are hereby directed to show cause within three weeks as to why contempt proceedings be not initiated against you on the ground that you had undertaken before this Court that you would officer Rs. 4,00,000/- if the land was allotted to you for conducting exhibition;